

IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA

RICKEY Q. LONG, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF
ANGELA LONG, DECEASED,

Plaintiff.

v.

CASE NO. CV 13-906357

SAFE HOME MONITORING, INC.; SAFE HOME SECURITY, INC; DAVID ROMAN;
DOLGENCORP; GE SECURITY, INC.; UTC FIRE & SECURITY AMERICAS
CORPORATION, INC. D/B/A GE SECURITY PRO; HONEYWELL INTERNATIONAL,
INC.; MONITRONICS INTERNATIONAL, INC; SMITH & WESSON SECURITY
SOLUTIONS, INC.; BRUCE CRAFT, AND;

FICTITIOUS PARTY DEFENDANTS A, B, C and D, whether singular or plural, those persons, firms, corporations or other entities that undertook to install the electrical wiring, or any component part of the electrical system that serviced the dwelling occupied by the deceased, Angela Long, and whose failure to properly do so caused or contributed to a fire and her death in that dwelling; Defendants D, E, F, and G, whether singular or plural, those persons, firms, corporations or other entities who or which installed the security and fire alarm system and/or any component part thereof which was located in the dwelling occupied by the deceased, Angela Long and whose failure to properly do so caused or contributed to the fire and her death in that dwelling, and; Defendants H, I, J, and K, whether singular or plural, those persons, firms, corporations or other entities who or which manufactured, marketed, designed or placed in the stream of commerce, the security and fire alarm system that was a fixture in the dwelling occupied by the deceased Angela Long and/or the Christmas tree that sparked a fire in the dwelling occupied by Angela Long, deceased, and/or any component part of either and whose breach of a duty of care in relation thereto caused or contributed to a fire and her death in that dwelling.

Defendants.

Plaintiff states that the identities of the fictitious party defendants are unknown at this time, but their true names will be substituted by amendment when ascertained.

COMPLAINT

1. The plaintiff, Rickey Q. Long, a resident citizen of Tuscumbia, Colbert County, Alabama, brings suit as the Personal Representative of the Estate of Angela Long, deceased, related to Ms. Long's death in a "total loss" fire at her residence in Colbert County, Alabama.

2. The defendant, Dolgencorp, L.L.C., is a limited liability corporation qualified to do business in the State of Alabama, doing business in Colbert County, Alabama at all times material hereto. It operates retail discount stores in Colbert County, Alabama and elsewhere, under the name "Dollar General Stores," and did so at all times material hereto.

3. The defendants, Safe Home Security, Inc. and Safe Home Monitoring, Inc. are corporations whose primary place of business is in Cromwell, Connecticut. They are, in pertinent part, in the business of providing residential fire and security alarm systems, system monitoring, and emergency reporting. They provided such services in Colbert County, Alabama at all times material hereto.

4. The defendant David Roman is the majority shareholder and owner of defendants Safe Home Security, Inc. and Safe Home Monitoring, Inc., which he controls and which function not as true corporate entities, but as *alter egos* of David Roman, sole proprietor.

5. The defendant Smith and Wesson Security Solutions, Inc., is a corporation qualified to do business in the State of Alabama, and doing business in Colbert County, Alabama at all times relevant hereto. Said defendant is a manufacturer and/or installer of home security and/or fire systems and component parts.

6. The defendant Bruce Craft, here sued individually and as the servant and/or authorized agent of Smith and Wesson Security Solutions, Inc., and/or one of more of the other co-defendants, acting at all times material hereto within the line and scope of his employment and/or agency as an installer of security and fire alarm systems in Colbert County, Alabama, was a resident citizen of Jefferson County, Alabama at all times material hereto.

7. The defendant GE Security, Inc., is a corporation qualified to do business in the State of Alabama, and was doing business in Colbert County, Alabama at all times relevant hereto. In pertinent part, said defendant is a manufacturer of security system component parts.

8. The defendant UTC Fire & Security Americas Corporation, Inc., d/b/a GE Security Pro, is a corporation qualified to do business in the State of Alabama, doing business in Colbert County, Alabama at all times relevant hereto. Said defendant manufactures security and/or fire alarm system components.

9. The defendant Honeywell International, Inc., is a corporation qualified to do business in the State of Alabama, doing business in Colbert County, Alabama at all times relevant hereto. Said defendant is a manufacturer of security and/or fire alarm system components.

10. The defendant Monitronics International, Inc., is a corporation qualified to do business in the State of Alabama, doing business in Colbert County, Alabama at all times relevant hereto. Said defendant, is a manufacturer of security and/or fire alarm system components.

11. Defendants A, B, C and D, whether singular or plural, those persons, firms, corporations or other entities that undertook to install the electrical wiring, or any component part of the electrical system that serviced the dwelling occupied by the deceased, Angela Long, and whose failure to properly do so caused or contributed to a fire and her death in that dwelling.

12. Defendants D, E, F, and G, whether singular or plural, those persons, firms, corporations or other entities who or which installed the security and fire alarm system and/or any component part thereof which was located in the dwelling occupied by the deceased, Angela

Long and whose failure to properly do so caused or contributed to the fire and her death in that dwelling.

13. Defendants H, I, J, and K , whether singular or plural, those persons, firms, corporations or other entities who or which manufactured, marketed, designed or placed in the stream of commerce, the security and fire alarm system that was a fixture in the dwelling occupied by the deceased Angela Long and/or the Christmas tree that sparked a fire in the dwelling occupied by Angela Long, deceased, and/or any component part of either and whose breach of a duty of care in relation thereto caused or contributed to a fire and her death in that dwelling.

14. Plaintiff states that the identities of the fictitious party defendants are unknown at this time, but their true names will be substituted by amendment when ascertained.

ALLEGATIONS COMMON TO ALL COUNTS

15. On the morning of December 15, 2012, Karisa Turnley, her aunt, the Plaintiff's deceased Angela Denise Long, and others were asleep at the Long residence in Colbert County, Alabama, when a fire broke out.

16. The origin of that fire was a pre-lit, artificial Christmas tree located in the Long residence. The Long residence occupants were all asleep when the fire ignited.

17. That pre-lit, artificial Christmas tree in the Long residence had been recently purchased by resident Karisa Turnley, at a nearby store operated by Defendant Dolgencorp, L.L.C., and known as a "Dollar General Store."

18. No alarm sounded to alert the residents to the fire.

19. Residents awoke to a fire already well in progress, rapidly spreading, extreme heat, and with thick smoke, rendering it difficult to either breathe or see.

20. Karisa Turnley was able to escape the fire, but because of the fires advanced nature, was able only to rescue one other resident, her daughter, before conditions made it impossible to safely remain in or enter the home.

21. The plaintiff's deceased Angela Long, was heard screaming for help, but the advanced conditions prevented a rescue, and Angela Long was overcome before she could find her way out on her own.

22. The Long residence was a total loss.

23. Plaintiff Rickey Q. Long, Personal Representative of the Estate of Angela Long, brings the following claims pursuant to the Alabama Wrongful Death Statute at Ala. Code 1975, 6-5-410.

COUNT I

**WRONGFUL DEATH - DOLGENCORP --
FICTITIOUS PARTY DEFENDANTS H, I, J, K**

24. Plaintiff adopts and incorporates by reference all preceding paragraphs as if fully set out herein.

25. The defendant, Dolgencorp, L.L.C. a/k/a Dollar General Stores and/or fictitious party defendants H, I, J, and K, are in the business of selling, placing into the stream of commerce, and/or manufacturing consumer goods, including the Christmas tree sold to Karisa Turnley by Dolgencorp, for use at the Long residence. That Christmas tree reached its ultimate users or consumers, the occupants of the Long residence, including Plaintiff's deceased, without substantial change in condition.

26. The Christmas tree was used as it was intended, as a pre-lit, artificial Christmas tree decoration by the occupants of the Long residence.

27. The said Christmas tree, at the time it reached Karisa Turnley and the occupants of the Long residence, including Plaintiff's deceased, was in a defective condition, unreasonably dangerous in that it had faulty electrical components as part of its "pre-lit" feature.

28. Defendants breached their legal duties to Plaintiff's deceased under Alabama common law and the Alabama Manufacturer's Extended Liability Act ("AEMLD" in that the Christmas tree was legally defective and unreasonably dangerous when put to its intended purpose and which caused or contributed to the wrongful death of the Plaintiff's deceased, Angela Long.

Wherefore, the premises considered, the Plaintiff, Rickey Q. Long, as the Personal Representative of the Estate of Angela Long, deceased, prays for punitive damages of the Defendant Dolgencorp, LLC and or fictitious party defendants H, I, J and K, in an amount such as is properly determined by the trier of fact.

COUNT II

WRONGFUL DEATH --
**SAFE HOME MONITORING, INC.; SAFE HOME SECURITY, INC; DAVID
ROMAN; GE SECURITY, INC.; UTC FIRE & SECURITY AMERICAS
CORPORATION, INC. D/B/A GE SECURITY PRO; HONEYWELL
INTERNATIONAL, INC.;
MONITRONICS INTERNATIONAL, INC., AND FICTITIOUS PARTY
DEFENDANTS H, I, J, K**

29. Plaintiff adopts and incorporates by reference all preceding paragraphs as if fully set out herein.

30. At the time of the blaze, the Long residence had a hard-wired, off-site monitored, security and fire alarm system (the "fire alarm system") that defendant, Safe Home Security, Inc.,

and/or Safe Home Monitoring, Inc., and/or David Roman, as sellers of such consumer goods, had sold to Plaintiff's deceased, Angela Long.

31. At some time prior to December 15, 2012, the fire alarm system equipment and/or component parts thereof, were manufactured, marketed, designed and/or and placed into the stream of commerce by defendants Honeywell International, Inc., GE Security, Inc., UTC Fire & Security Americas Corporation, Inc., d/b/a GE Security Pro, and/or Monitronics International, Inc. and/or Fictitious Party Defendants H, I, J, and K.

32. Those said fire alarm system and the component parts thereof, reached the ultimate users or consumers, the occupants of the Long residence, including Plaintiff's deceased, without any substantial change in condition.

33. The occupants of the Long residence, including Plaintiff's deceased, used the said fire alarm system products as they were intended to be used, as an early warning alert and fire dispatch system for fire emergencies, and as a result of the defective and unreasonably dangerous condition of same, the occupants and emergency personnel were not alerted to the fire at the Long residence.

34. Defendants breached their legal duties to Plaintiff's deceased under Alabama common law and the Alabama Manufacturer's Extended Liability Act ("AEMLD" in that the fire alarm system and/or component parts thereof were legally defective and unreasonably dangerous when put to an intended purpose and which caused or contributed to the wrongful death of the Plaintiff's deceased, Angela Long.

Wherefore, the premises considered, the Plaintiff, Rickey Q. Long, as the Personal Representative of the Estate of Angela Long, deceased, prays for punitive damages of the said defendants in an amount such as is properly determined by the trier of fact.

COUNT III-- WRONGFUL DEATH

**SAFE HOME SECURITY, INC., SAFE HOME MONITORING, INC.,
DAVID ROMAN, BRUCE CRAFT, SMITH AND WESSON
SECURITY SYSTEMS AND/OR FICTIOUS PARTY
DEFENDANTS A, B, C, D, E, F and G**

35. Plaintiff adopts and incorporates by reference all preceding paragraphs as if fully set out herein.

36. Defendant Safe Home Security, Inc., and/or Safe Home Monitoring, Inc., David Roman, Smith and Wesson Security Solutions, Inc., and/or fictitious party defendants A, B, C, D, E, F, and G, undertook to install the subject fire alarm system equipment and/or related components, and/or undertook to install electrical wiring and/or related components in the Long residence.

37. Defendant Bruce Craft and or a co-defendant, installed the fire alarm system as the agent or employee of one or more of the said defendants, acting within the line and scope of his employment and/or authority therewith.

38. The said defendants had a duty to reasonable care to Plaintiff's deceased, to properly and adequately install and test the fire alarm system and/or the home's electrical wiring to ensure that the system would emit a prompt, audible, alarm warning in the event of a fire emergency.

39. The said defendants breached this duty of care, resulting in the failure of the fire alarm system to sound an alarm at any time during the subject fire.

40. A timely, audible, alarm warning at the Long residence would have enabled the Plaintiff's deceased to escape the fire before conditions so deteriorated that she became trapped and/or overcome by fire and/or smoke.

41. The said defendants breach of their respective duties of care was legal negligence and/or wantonness, and in consequence thereof, proximately caused or contributed to Plaintiff's deceased suffering a wrongful death.

Wherefore, the premises considered, the Plaintiff, Rickey Q. Long, as the Personal Representative of the Estate of Angela Long, deceased, prays for punitive damages of the said Defendants in an amount such as is properly determined by the trier of fact.

COUNT IV -- WRONGFUL DEATH

**NEGLIGENCE AND/OR WANTONNESS
SAFE HOME SECURITY, INC., SAFE HOME MONITORING, INC.,
DAVID ROMAN**

42. Plaintiff adopts and incorporates by reference all preceding paragraphs as if fully set out herein.

43. The defendants, Safe Home Security, Inc., and/or Safe Home Monitoring, Inc., and/or Smith & Wesson Security Solutions, Inc., and/or David Roman had undertaken to provide the occupants of the Long residence with emergency monitoring to detect and to swiftly alert emergency personnel of the ignition of any fire at the residence.

44. The defendants, Safe Home Security, Inc., and/or Safe Home Monitoring, Inc., and/or Smith & Wesson Security Solutions, Inc., breached that legal duty negligently and/or wantonly, in that they did not alert anyone of the fact of a fire at the Long residence on December 15, 2012, and; in particular, they did not alert emergency personnel in any manner or at any time; not during ignition of the blaze, during its progression, or even after the fire.

45. A timely alert to emergency personnel for assistance would have prevented some or all of the damage, injury and harm suffered by the occupants of the Long residence at the time of the fire.

46. The resulting absence of any emergency aid at the fire scene, proximately caused or contributed to the wrongful death of the Plaintiff's deceased, who was unable to escape.

Wherefore, the premises considered, the Plaintiff, Rickey Q. Long, as the Personal Representative of the Estate of Angela Long, deceased, prays for punitive damages of the said Defendants in an amount such as is properly determined by the trier of fact.

/s/ Joey K. James
JOEY K. JAMES (JAM013)
ATTORNEY FOR PLAINTIFF

OF COUNSEL:
BUNCH & JAMES
210 East Tennessee Street
P. O. Box 878
Florence, AL 35631
(256) 764-0095 Telephone
(256) 767-5705 Facsimile

/s/ Robert W. Bunch
ROBERT W. BUNCH (BUN001)
ATTORNEY FOR PLAINTIFF

OF COUNSEL:
BUNCH & JAMES
210 East Tennessee Street
P. O. Box 878
Florence, AL 35631
(256) 764-0095 Telephone
(256) 767-5705 Facsimile

/s/ Jeffrey C. Kirby
JEFFREY C. KIRBY
ATTORNEY FOR PLAINTIFF

OF COUNSEL:
Kirby Johnson PC
2007 Third Avenue North
Birmingham AL 35203
(205) 458-3553

/s/ William T. Johnson, III
WILLIAM T. JOHNSON
ATTORNEY FOR PLAINTIFF

OF COUNSEL:
Kirby Johnson PC
2007 Third Avenue North
Birmingham AL 35203
(205) 458-3553

/s/ Harold V. Hughston, III
HAROLD V. HUGHSTON, III
ATTORNEY FOR PLAINTIFF

OF COUNSEL:
105 W 2nd St.
Tuscumbia, AL 35674
(256) 383-3661

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY STRUCK JURY.

/s/ Joey K. James

REQUEST FOR SERVICE

Plaintiffs request service upon defendants by Certified Mail at the following addresses:

Safe Home Security, Inc.
c/o McElroy, Deutsch, Mulvaney & Carpenter, LLC
ATTN: James G. Green, Esq.
One State Street, 14th Floor
Hartford, CT 06103

David Roman
c/o Safe Home Security, Inc.
55 Sebethe Drive
Cromwell, CT 06416

Safe Home Monitoring, Inc.
c/o McElroy, Deutsch, Mulvaney & Carpenter, LLC
ATTN: James G. Green, Esq.
One State Street, 14th Floor
Hartford, CT 06103

DOLGENCORP
CSC-Lawyers Incorporating Service
150 S. Perry Street
Montgomery, Alabama 36104

GE Security, Inc.
C T Corporation System
2 North Jackson St., Suite 605
Montgomery, AL 36104

UTC Fire & Security Americas Corporation, Inc.
d/b/a GE Security Pro
The Corporation Company
2000 Interstate Park Drive, Suite 204
Montgomery, AL 36109

Honeywell International, Inc.
GSC-Lawyers Incorporating Svc, Inc.
150 South Perry Street
Montgomery, AL 36014

Monitronics International, Inc.
C T Corporation System
2 North Jackson St., Ste 605
Montgomery, AL 36014

Smith & Wesson Security Solutions, Inc.
The Corporation Company
2000 Interstate Park Dr. Ste. 204
Montgomery, AL 36109

Bruce Craft
941 Shades Crest Rd No. 3
Birmingham, AL 35226

/s/ Joey K. James